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MASTER OF MILITARY STUDIES

TITLE:

**Can Marine Security Guards Be Assigned To
Roof Top Defensive Positions at Diplomatic Facilities Overseas
During Exigent Circumstances?**

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Executive Summary

Title: Can Marine Security Guards be assigned to roof top defensive positions at diplomatic facilities overseas during exigent circumstances?

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Thesis: Marine Security Guards assigned to United States diplomatic facilities overseas can legally be assigned to roof top over watch positions during exigent circumstances. Armed with the knowledge that sufficient authority and doctrine exists, it may be necessary, or simply good policy, to ensure Marine Security Guards are posted to over watch positions such as roof tops during exigent circumstances in order to make certain the integrity of the diplomatic facility is maintained.

Discussion: There is a strong and persistent rumor in the American Foreign Service that states Marine Security Guards are prohibited from being assigned to rooftops during exigent circumstances. Over the years, the rumor has been passed down by American Foreign Service officers departing American embassies and consulates at the end of their tour of duty to their successors. Subsequently, the prohibition rumor is passed to their successors and the myth is repeated and perpetuated. As a result, this has led to a widespread belief in the American Foreign Service that the prohibition is official policy.

Marine Security Guard over watch positions such as roof tops or mezzanines are rarely indicated in embassy or consulate emergency action plans. When queried by an inquisitive chief of mission or other American Foreign Service officer why tactically significant over watch positions are omitted from emergency action plans, the response from American Foreign Service officers and Marines is the same. Word of mouth knowledge passed from one generation to another over time, has led them to believe, without a doubt, that Marines are prohibited from rooftops.

There exists no authoritative written directive, policy, statement, or regulation that expressly prohibits Marine Security Guards from rooftop over watch defensive positions. This rumor deprives the diplomatic community of a valuable tool to apply in defense of American diplomatic personnel, property, and information. The belief that the prohibition is fact needlessly ties the hands of talented Diplomatic Security officers looking for creative solutions to embassy and consulate security challenges. A highly trained Marine Security Guard posted to a significant over watch roof top position has the potential to thwart a well-planned attack on a diplomatic facility.

Conclusion: Contrary to a strong and persistent rumor in the American Foreign Service, Marine Security Guards can be assigned to rooftop over watch positions during exigent circumstances. This is supported by inter-agency agreements, the Foreign Affairs Handbook, and Marine Corps war fighting doctrine. Armed with the knowledge that sufficient authority and doctrine exists, it may be necessary, or simply good policy, to ensure Marine Security Guards are posted to over watch positions such as rooftops during exigent circumstances in order to make certain the integrity of the diplomatic facility is maintained.

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Table of Contents

DISCLAIMER.....	i
PREFACE.....	iii
Introduction	1
Departments of Defense and State as Bureaucracies.....	2
American Diplomatic Facilities Overseas	3
The Vienna Convention on Diplomatic and Consular Relations	3
The Three Rings of Security.....	4
The Hard Line.....	4
Marines and the Department of State	5
The Memorandum of Agreement	6
The Memorandum of Understanding	6
Two Chains Of Command.....	7
The Administrative Chain of Command	7
The Operational Chain of Command.....	7
Department Of State Responsibilities.....	8
Chief of Mission Authority.....	9
The Regional Security Officer.....	9
Direct Operational Supervision of Marine Security Guards	10
Responsibility for Guard Orders.....	11
Execution of Guard Orders.....	11
Primary Mission of Marine Security Guards.....	12
Secondary Mission of Marine Security Guards.....	12
Appropriate Duties for Marine Security Guards	13
Inappropriate Duties for Marine Security Guards	13
Use of Marine Security Guards during Exigent Circumstances.....	13
The Foreign Affairs Handbook.....	15
The Interior Defense Team.....	15
Interior Defense Team Procedures and Responsibilities.....	16
Why Roof Top Over-Watch Positions Are Significant.....	17
Marine Corps Urban War Fighting Doctrine.....	18
CONCLUSION	19
END NOTES	21
BIBLIOGRAPHY	25

Preface

Threats to American Diplomatic facilities and personnel continue to challenge Diplomatic Security personnel overseas. Resolved to ensure the integrity of American diplomatic facilities, it was suggested that Regional Security Officers consider assigning Marine Security Guards to rooftop over watch defensive positions during exigent circumstances to detect, deter and deny attempts by insurgents to gain entry to U.S. diplomatic buildings. Highly trained Marine Security Guards assigned to rooftop over watch positions during exigent circumstances have the potential to thwart a well-planned attack. The idea of assigning Marine Security Guards to rooftop over watch positions met considerable resistance. The resistance was based on a strong and persistent belief in a rumor that Marine Security Guards are prohibited from roof top defensive positions. Despite directives from Diplomatic Security Headquarters, formal training, education, and the lack of authoritative written policy that expressly prohibits the use of Marine Security Guards on rooftops, the rumor persisted. Subsequently, I felt that an academic study of the problem was in order to settle the issue. This research paper accomplished the mission of proving that Marine Security Guards can legally be assigned to roof top defensive positions during exigent circumstances. Perhaps the next time an insurgent force attacks an American diplomatic facility they will have to contend with highly trained Marines on the rooftop applying the appropriate amount of force required to terminate the threat.

This research would not have been possible without the guidance and support of LtCol. B.J. Payne USMC, Dr. Eric Shibuya, Dr. Paul Gelpi, and my mentor Dr. Richard DiNardo.

Introduction

There is a strong and persistent rumor in the American Foreign Service that Marine Security Guards are prohibited from being assigned to roof tops during exigent circumstances.¹ Exigent circumstances are defined as urgent temporary circumstances, which require immediate aid or action.² The exact date and origins of the alleged prohibition are unknown. What is known, however, is that the rumor has been circulating long enough for it to become accepted as fact. Over the years, the rumored prohibition has been passed down from one generation of American Foreign Service officers departing embassies and consulates to the next generation of Foreign Service officers who have replaced them. Subsequently, the rumored prohibition is passed along and the myth is perpetuated. This has led to a widespread belief that the rumored prohibition is official policy.

Marine Security Guard over watch positions, such as rooftops or mezzanines, are rarely included as a course of action to be considered in embassy or consulate emergency action plans. When asked why tactically significant over watch positions are omitted from emergency plans, the response from American Foreign Service officers and Marines is the same. Word of mouth knowledge passed from one generation to another over time, has led Foreign Service Officers and Marines to believe that Marines are prohibited from taking defensive positions on rooftops.

There exists no authoritative written directive, policy, statement, or regulation that expressly prohibits Marine Security Guards from rooftop over watch defensive positions. This rumored prohibition that such a directive exists deprives the diplomatic community of a valuable tool to apply in defense of American diplomatic personnel, property, and information. Certainly, a highly trained Marine Security Guard posted to a significant over watch roof top position has the potential to thwart a well-planned attack on a diplomatic facility. This capability is necessary

to defend diplomatic facilities now more than ever since the United States is encountering irregular warfare threats from counterinsurgents employing asymmetrical warfare tactics against fixed American assets such as American embassies and consulates.

The purpose of this paper is to review the Marine Security Guard chain of command, pertinent inter-agency agreements, foreign affairs regulations, and Marine Corps war fighting doctrine to determine if Marine Security Guards assigned to United States diplomatic facilities overseas can be assigned, in accordance to regulation, to roof top over watch positions during exigent circumstances as well as to prove that:

It may be necessary, or simply good policy, to ensure Marine Security Guards are posted to over watch positions such as rooftops during exigent circumstances in order to make certain the integrity of the diplomatic facility is maintained.

The Department of Defense and the Department of State as Bureaucracies

Marine Security Guards assigned to American diplomatic facilities overseas are a Department of Defense asset on assignment to the Department of State. The Department of Defense and the Department of State are large government bureaucracies. These bureaucracies are governed by well-defined chains of command, inter-agency agreements, and comprehensive, published regulations that address all aspects of their departmental operations.

The aforementioned chains of command, inter-agency agreements, and regulations define policy, procedure, and responsibilities associated with personnel, property, and information. An analysis of these sources should provide sufficient data to determine that Marine Security Guards can be legally assigned to rooftop over watch positions during exigent circumstances.

American Diplomatic Facilities Overseas

According to a May 2006 United States Government Accountability Office report, the United States Department of State operates more than 260 embassies, consulates, and other posts in approximately 180 countries around the world. These diplomatic facilities are staffed by more than 11,000 American Foreign Service officers and over 35,000 Foreign Service Nationals.³ Foreign Service National employees are host nation or third country foreign nationals who provide clerical, administrative, technical, fiscal, and other support at American Foreign Service facilities overseas. As platforms for the conduct of American foreign policy, diplomatic facilities may process and store sensitive information vital to national security. Dependent on local conditions, extraordinary security measures may be required in order to safeguard American diplomatic personnel, property, and information overseas.

The Vienna Convention on Diplomatic and Consular Relations

The Vienna Convention on Diplomatic and Consular Relations is an international treaty that defines diplomatic interaction, privileges, immunities and host nation security responsibilities. The Vienna Convention was adopted in 1961 by the United Nations Conference on Diplomatic Intercourse and Immunities held in Vienna, Austria. The Vienna Convention was ratified by the U.S. Senate in 1965 and the U.S. President in 1972.⁴

Host nation protective services for diplomatic facilities are required in order to be in compliance with the Vienna Convention on Diplomatic and Consular relations. Articles 3 and 22 of the Vienna Convention on Diplomatic and Consular Relations state that host nations are responsible for the safety and security of diplomats and diplomatic facilities in their country.⁵

Host nations are under a special duty to take all appropriate steps to protect the premises of diplomatic facilities against intrusion, damage, and to prevent any disturbance of the peace of the mission or impairment of its dignity. The premises of diplomatic missions are normally

considered inviolable. Host nation agents may not enter designated diplomatic facilities without the consent of the chief of the mission. The premises of the mission and mission property are immune from search, requisition, attachment, or execution.⁶

There are times when American diplomats overseas must take into account the possibility that the host nation, as protector, may be unwilling or unable to ensure the safety and security diplomatic missions in accordance with the Vienna Convention. In the event host nation security is insufficient, American diplomats must rely on their own mechanisms for protection.

The Three Rings of Security

Security for diplomatic facilities is predicated on a concept that embraces three rings of security. The outer ring is generally acknowledged as the perimeter wall of the diplomatic property. Protection from the perimeter wall and outward, as addressed in the Vienna Convention on Diplomatic and Consular Relations, is the responsibility of the host nation. The middle ring is generally recognized as the exterior of the diplomatic buildings. The area between the building exteriors, outward to the perimeter walls and inclusive of the grounds, is the responsibility of the diplomatic facility's locally procured contract security guard force. The inner ring is the designated safe haven in the building interior. Marine Security Guards, when assigned to a diplomatic facility, are generally responsible for interior security.⁷

The Hard Line

Twenty-four hours a day, seven days a week, all who enter a United States embassy or consulate that has a Marine Security Guard detachment must first pass a vigilant Marine Security Guard standing post in a fortified guard booth inside the main entrance.⁸ This fortified post is commonly known as "Post 1". The physical barrier at Post 1 is known as the "Hard Line."

Marine Security Guard stationary or roving posts at the same diplomatic facility are known as "Post 2," or "Post 3," etc.

Marine Security Guards are responsible for access control through the Hard Line and security inside the Hard Line. Marine Security Guards ensure visitors and employees display the appropriate identification media as they enter and while in the building. Marine Security Guards monitor surveillance devices, fire alarms, and communications systems that cover the entire facility. In addition, as part of their duties, Marine Security Guards conduct roving unannounced inspections of areas where classified information and equipment is processed or stored. This is to ensure proper safeguards and to detect, deter, and defend against potential security breaches. As preparation for crises such as a fire, intruders, angry mobs, and bomb searches, Marine Security Guards regularly practice emergency reaction drills. In the event an evacuation becomes necessary, Marine Security Guards are authorized to assist in evacuating embassy and consular personnel.⁹

Marines and the Department of State

The Marine Corps has a long history of cooperation with the Department of State going back to the early days of the Nation. From the raising of the United States flag at Derna, Tripoli and the secret mission of Archibald Gillespie in California, to the 55 days at Peking, Marines have served many times on special missions as couriers, guards for embassies and legations, and to protect American citizens in unsettled areas. The Marine Security Guard program in its current form has been in place since December 1948.¹⁰ The origins of the modern Marine Security Guard program began with the Foreign Service Act of 1946, which stated that the Secretary of Navy is authorized, upon the request of the Secretary of State, to assign enlisted

Marines to serve as custodians under the supervision of the senior diplomatic officer at an embassy, legation, or consulate.¹¹

The Memorandum of Agreement

Using the Foreign Service Act of 1946, the Department of State and Marine Corps entered into negotiations to establish the governing provisions for assigning Marine Security Guards overseas. These negotiations culminated in the first joint Memorandum of Agreement signed on December 15, 1948. Trained at the Department of State's Foreign Service Institute, the first Marine Security Guards departed for Tangier and Bangkok on January 28, 1949. Title 10, United States Code 5983, has since replaced the authority granted in the Foreign Service Act of 1946.¹² The most recent Memorandum of Agreement was signed on January 9, 2001. It is anticipated that a new Memorandum of Agreement will be affirmed by the Department of State and the Marine Corps by mid 2008. The purpose of the Memorandum of Agreement is to specify the terms, relationships, and conditions for United States Marines participating in the Marine Security Guard Program. It provides a statement of responsibilities of the Department of State and the Marine Corps in conducting the Marine Security Guard Program.

The Memorandum of Understanding

The Memorandum of Understanding between the Department of Defense and the Department of State on Overseas Security Support, and Department of Defense Directive 2000.12 dated 18 August 2003, delineate chief of mission and American military geographic combatant commander force protection responsibilities. These documents contain mutually agreed to lists of American military personnel overseas who are under chief of mission authority, and who are under American military geographic combatant commander authority.

The Memorandum of Understanding, and Department of Defense Directive 2000.12 specifically state that Marine Security Guards are under chief of mission authority,¹³ not American military geographic combatant commander authority.¹⁴ While under chief of mission authority, Marine Security Guards are under the operational control of the chief of mission. Marine Security Guards shall comply with Department of State operational security standards and with the provisions of the Memorandum of Agreement between the Department of State and the Department of Defense pertaining to Marine Security Guards.¹⁵

Two Chains of Command

According to the Memorandum of Agreement, Marine Security Guards serving overseas at diplomatic facilities have two chains of command. One chain of command is operational and the other is administrative.¹⁶

The Administrative Chain of Command

The Marine Corps exercises command, less operational supervision and control, of Marines assigned to the Marine Security Guard program. The Marine Corps is responsible for the training, assignment, administration, logistical support, and discipline of Marine Security Guards. The Marine Corps provides advice to the Department of State on the proper utilization, morale, welfare, safety, conduct, and appropriate living conditions of the Marine Security Guards. The Marine Corps ensures Marine Security Guards are performing to the standards and regulations of the Marine Corps and Department of State regulations as articulated in the Foreign Affairs Manual and the Foreign Affairs Handbook.¹⁷ The Marine Corps is also responsible for Marine Security Guard career development, promotions, and all pay and allowances.

The Operational Chain of Command

The Marine Corps assigns Marine Security Guards to select United States diplomatic and consular facilities identified by the Department of State. Designated Department of State representatives directly supervise Marine Security Guards. The Marine Security Guard's direct immediate operational supervisor is the Regional Security Officer, who reports to the chief of mission.¹⁸ A Department of State Regional Security Officer is responsible for the supervision and direct operational control of Marine Security Guards through both oral and written guard orders.

Department of State Responsibilities

In accordance with Title 22, United States Code, Section 4802, the Secretary of State is responsible for the security of United States Government operations of a diplomatic nature overseas. The Secretary of State must ensure the safety and security of all United States Government personnel on official duty overseas, and those personnel under the command of an American military geographic combatant commander.¹⁹ This includes Marine Security Guards.

The Secretary of State has delegated these security responsibilities to the Assistant Secretary for Diplomatic Security and the Bureau of Diplomatic Security. The Department of State's Bureau of Diplomatic Security is responsible for providing a safe and secure environment for the conduct of U.S. foreign policy.²⁰ Every diplomatic mission in the world operates under a security program designed and maintained by the Bureau of Diplomatic Security. To administer these security programs, more than 486 Diplomatic Security Regional Security Officers are assigned to embassies and consulates in 157 countries.²¹

The Department of State's, Bureau of Diplomatic Security assigns Regional Security Officers overseas to serve at diplomatic facilities. Regional Security Officers are responsible for the establishment and operation of diplomatic facility security and protective functions overseas,

the development and implementation of communications, computer, and information security programs, emergency planning, and the direct, operational supervision of Marines assigned overseas to diplomatic facilities as Marine Security Guards.²²

Chief of Mission Authority

According to Volume 2, Foreign Affairs Handbook Chapter 2, H-112, a chief of mission is defined as the principal officer in charge of United States diplomatic missions and certain United States offices overseas that the Secretary of State designates as diplomatic in nature. The United States ambassador to a foreign country, or the chargé d' affaires, is the chief of mission in that country.²³

In accordance with Title 22, United States Code, Section 3927, the chief of mission, as directed by the President of the United States, has full responsibility for the direction, coordination, and supervision of all United States Government Executive Branch employees in that country, with the exception of employees under the command of an American military geographic combatant commander.²⁴ The chief of mission shall insure that all United States Government Executive Branch employees in that country, with the exception of employees under the command of an American military geographic combatant commander, comply fully with all applicable chief of mission directives. United States Government Executive Branch agencies, including the Department of Defense, having employees in a foreign country will insure that all of its employees in that country, with the exception of employees under the command of an American military geographic combatant commander, comply fully with all chief of mission directives.²⁵

The Regional Security Officer

Mission security is the responsibility of the chief of mission, who exercises this control and supervision through a Diplomatic Security Regional Security Officer.²⁶ The Regional Security Officer is responsible for implementing and managing the Department of State's overseas security programs. The security programs typically covered by the Regional Security Officer include, but not are limited to physical, personal, procedural, and residential security; technical security including computer security and the protection of sensitive national security information and equipment.²⁷

Direct Operational Supervision of Marine Security Guards

The security of the diplomatic facility to which a detachment is assigned is of such concern as to warrant the direct operational supervision of the Marine Security Guard detachment by a Regional Security Officer, generally a trained Department of State, Bureau of Diplomatic Security Special Agent.²⁸ The Regional Security Officer administers diplomatic mission security programs in accordance with Department of State and Overseas Security Policy Board policies, procedures, and standards. These policies, procedures, and standards are detailed in the Foreign Affairs Manual and the Foreign Affairs Handbook.

The Regional Security Officer is the principal security adviser to the chief of mission. The Regional Security Officer is also the direct, operational supervisor of the Marine Security Guards. As the immediate supervisor of the Marine Security Guards, the Regional Security Officer ensures that Marine Security Guards are assigned duties within the parameters set forth in the Memorandum of Agreement,²⁹ the Foreign Affairs Manual (FAM) and the Foreign Affairs Handbook (FAH).³⁰ The Foreign Affairs Manual and the Foreign Affairs Handbook detail policies, procedures and regulations that apply to foreign affairs agency personnel including Marine Security Guards.³¹

Responsibility for Guard Orders

The Regional Security Officer is responsible for the proper utilization, support, and safety of Marine Security Guards. The Regional Security Officer determines guard requirements and is responsible for the issuance of oral and written guard orders, emergency plans and other instructions as appropriate, to the Marine Security Guards.³² The Regional Security Officer is not only responsible for drafting and issuing all Marine Security Guard orders, but must also ensure that all Marine Security Guards are familiar with guard orders and contingency plans. The written and published guard orders include instructions for responding to emergency situations, the rules of engagement and the use of non-lethal and deadly force.³³ Due to the serious nature pertaining to the use of non-lethal and deadly force, these guard orders must be approved by the chief of mission.³⁴

Under certain circumstances, the Regional Security Officer may issue special written orders to cover specific Marine Security Guard duties required in circumstances that require immediate action. These circumstances are defined as demonstrations, terrorist activities, bomb threats, threats against lives, and evacuations. These orders include instructions concerning the protection or destruction of classified material, as appropriate. In urgent circumstances or circumstances that require immediate action, the Regional Security Officer may verbally direct Marine Security Guards as necessary to address security considerations including assigning Marine Security Guards to rooftop over watch positions for defensive purposes.³⁵

Execution of Guard Orders

Upon arrival at their diplomatic post of assignment, the Marine Security Guards are under the authority of the chief of mission.³⁶ Marine Security Guards execute such instructions and orders, either written or oral, as the chief of mission or the Regional Security Officer issues

within the parameters of the current Memorandum of Agreement, the Foreign Affairs Manual and the Foreign Affairs Handbook.³⁷ Marine Security Guards report directly to the Regional Security Officer on operational matters and on any matter adversely affecting the security of the U.S. diplomatic mission.³⁸ In the event the Regional Security Officer deems it necessary, and that such duty is within the parameters of the Marine Security Guard's primary or secondary mission, Marine Security Guards could be assigned to rooftop over watch defensive positions to ensure the integrity of the diplomatic mission during exigent circumstances.

The Primary Mission of Marine Security Guards

The primary mission of Marine Security Guards is to provide internal security services at designated U.S. diplomatic and consular facilities to prevent the compromise of classified information and equipment vital to the national security of the United States.³⁹

The Secondary Mission of Marine Security Guards

The secondary mission of Marine Security Guards is to provide protection for U.S. citizens and U.S. Government property located within designated U.S. diplomatic and consular premises during exigent circumstances. Exigent circumstances are defined as urgent temporary circumstances, which require immediate aid or action. These Marine Security Guard detachments must be prepared to execute plans for the protection of the mission and its personnel as directed by the chief of mission, or Regional Security Officer. Under certain emergency situations, Marine Security Guards are authorized to provide special protective services to the chief of mission or designated principal officer.⁴⁰

Appropriate Duties for Marine Security Guards

Marine Security Guards are guided in their duties by written or published guard orders, emergency and crisis response reaction operations, the diplomatic facility's Emergency Action

Plan, and specific operation plans derived from the Emergency Action Plan and approved by the Regional Security Officer. Additionally, the Memorandum of Agreement specifies appropriate stationary, non-stationary, and escort duties for Marine Security Guards. Appropriate stationary duties include guard coverage and access control of the main diplomatic buildings. Appropriate non-stationary duties include periodic visual inspections of controlled access areas to look for evidence of possible physical or technical penetrations within mission buildings where classified information is stored, handled, processed, or discussed. Appropriate escort duties include escorting non-cleared personnel in controlled access areas and areas contiguous to controlled access areas. Marine Security Guards may also provide temporary internal security guard protection for the chief of mission's or principal officer's residence when the life or safety of the protected official is in danger.⁴¹

Inappropriate Duties

In acknowledging possible legal and diplomatic consequences, and the limitations of diplomatic and consular immunities, Marine Security Guards will not conduct investigative activities, except those expressly authorized by the Marine Security Guard command. Marine Security Guards are not responsible for conducting security briefings, controlling combinations to sensitive vaults and safes, changing or repairing lock or container combinations, or entering into other duties that are not specified as part of their primary or secondary mission.⁴²

Use of Marine Security Guards during Exigent Circumstances

According to the Memorandum of Agreement between the Department of State and the Marine Corps, Marine Security Guards will perform other duties as required by exigent circumstances and as directed by the chief of mission, principal officer, or Regional Security Officer.⁴³

The Memorandum of Agreement also states that under certain circumstances, Marine Security Guards may be assigned duties on American diplomatic or consular premises, but exterior to the principal buildings.⁴⁴ These duties exterior to the principal buildings at a diplomatic facility must specifically correlate to the Marine Security Guard's primary responsibilities. When such a requirement is identified, the Marine Security Guard's guard orders must explicitly define the duties and responsibilities and not subject the Marine Security Guard to undue risk.

The establishment of a permanent Marine Security Guard post exterior to the principal buildings is subject to a joint Department of State and Marine Corps review.⁴⁵ The purpose of a joint State Department and Marine Corps review is primarily to ensure that the Marine Security Guard posting exterior to the principal buildings is in accordance to the Memorandum of Agreement and has been scrutinized and well thought out. In so doing, it is assumed that the Marine Security Guard will not be subject to undue risk, has the tools to accomplish the mission, and has guard orders that define the mission parameters of the specific post.

During an evacuation of a diplomatic facility, Marine Security Guards will be required to continue to carry out such duties as may be directed by the chief of mission or Regional Security Officer. Marine Security Guards provide special guard services in the execution of mission plans for dealing with specific emergency situations. These emergency situations may include outbreaks of violence, internal political disorders, bombs, bomb threats, threats to U.S. officials, and persons seeking asylum.⁴⁶ In order to carry out these duties, Marine Security Guards will protect the chancery or principal buildings as outlined in the Emergency Action Plan or as directed by the chief of mission or Regional Security Officer.⁴⁷

Emergency action plans, policies and procedures are detailed in the Foreign Affairs Manual and the Foreign Affairs Handbook. Regional Security Officers draft appropriate guard orders pertaining to local conditions that are based on guidance as articulated in the Foreign Affairs Manual and the Foreign Affairs Handbook. These guard orders are published and disseminated to diplomatic personnel pursuant to chief of mission approval.

The Foreign Affairs Handbook

Volume 12, Foreign Affairs Handbook Chapter 1 (12 FAH-1), Annex D.3.1, Facility Planning Details, states that the Regional Security Officer must provide as much information as possible about the defense plan for each facility that will be defended as part of the diplomatic facility Emergency Action Plan. This includes the policy, procedures, and assignment of designated personnel during exigent circumstances.⁴⁸

The Interior Defense Team

According to the Foreign Affairs Handbook, the building interior primary defense team will usually consist of the Marine Security Guards, assistant regional security officers, and other security personnel as appropriate.⁴⁹ Building interior relief personnel will usually consist of any other U.S. law enforcement or Department of Defense personnel not assigned to the primary defense team.⁵⁰ These personnel are normally trained in the use of firearms and are authorized to use deadly or non-lethal force in the performance of their normal duties. These qualities make them suitable as a security defense force.

When describing the internal defense team, the Regional Security Officer must be sure to include resources that the internal defense team will bring, including area denial devices, tear gas, weapons, communications capabilities, and an assessment of their effectiveness.⁵¹

Internal Defense Team Procedures and Responsibilities

Internal defense team procedures and responsibilities are detailed in Volume 12, Foreign Affairs Handbook Chapter 1 (12 FAH-1), Annex D 2.3-2. This chapter states, "From over-watch positions, warn of impending breaches to outer perimeters so additional support can be sent to the location." As members of the internal defense team, Marine Security Guards are authorized to "Use the appropriate level of force to prevent attackers from entering the building."⁵²

Assigning Marine Security Guards to rooftop over watch positions as members of the internal defense team is in accordance with Marine Security Guard primary and secondary missions and ensures the integrity of the diplomatic facility being defended. As members of the internal defense team, Marine Security Guards posted to over watch positions such as rooftops, occupy a tactically advantageous position that dominates an embassy or consulate compound. Rooftop over watch positions provide clear fields of fire and potentially the best location for observation posts. This is of particular importance because cameras, sensors, and other detection devices strategically located around most diplomatic facilities are subject to outages and limitations that restrict full observation of all areas of the compound at all times.

Marine Security Guards, and other internal defense team members posted to rooftop over watch positions, can detect, deter, and defend against hostile intruders. Applying the appropriate amount of lethal or non-lethal force from over watch positions, Marine Security Guards can deny unauthorized entry of hostile personnel into American diplomatic buildings used as personnel safe havens, or where sensitive information or equipment is stored. Denial of unauthorized entry to hostile forces into American diplomatic facilities by Marine Security Guards is authorized and is in accordance with the Marine Security Guard's primary and secondary mission parameters.

Why Roof Top Over-Watch Positions Are Significant

Embassy and consulate rooftops and other elevated over watch positions are significant in that they constitute the physical high ground in an urban environment during an attack. Control of the physical high ground is an essential element of successful combat and has been recognized and supported by military scholars such as Sun Tzu and Carl von Clausewitz.⁵³ Marine Corps war fighting doctrine pertaining to high ground and defending a strong point such as an embassy or consulate supports and defines the use of Marines in roof top or other over watch positions as observers or snipers.⁵⁴

The importance of high ground or, in the case of embassy and consulate defense, rooftop over watch positions is not a new theory. Strategic military thinkers have recognized the importance of high ground or elevated over watch positions for centuries. 2,500 years ago Chinese military strategist Sun Tzu wrote, "An army [that] prefers high ground to low ... is said to be certain of victory."⁵⁵ In 1832, Prussian military strategist Carl von Clausewitz recognized the importance of the high ground and consequently elevated rooftop over watch positions. In his book "*On War*" Clausewitz states in Book V, Chapter XVIII:

Out of the three strategic advantages of the more elevated ground, the greater tactical strength, the more difficult approach, and the better view, the first two are of such a nature that they belong really to the defensive only; for it is only in holding firmly to a position that we can make use of them, whilst the other side (offensive) in moving cannot remove them and take them with him; but the third advantage can be made use of by the offensive just as well as by the defensive. From this it follows that the more elevated ground is highly important to the defensive.⁵⁶

Nearly all American embassy and consulate compounds are located in urban environments. American diplomatic compounds may be composed of one main building or one

main building with two or more secondary structures. Most American embassy or consulate buildings are multi level structures with elevated roof top or other over watch positions that dominate the diplomatic compound. Military operations in this type of environment are known as Military Operations on Urbanized Terrain. Logically, defense of American embassies and consulates by Marine Security Guards should be in accordance with Marine Corps war fighting policy as it pertains to Military Operations on Urban Terrain.

Marine Corps Urban War Fighting Doctrine

Marine Corps Warfighting Publication (MCWP) 3-35.3, Military Operations on Urbanized Terrain (MOUT), provides doctrinal guidance and detailed information on tactics, techniques, and procedures employed by Marines in military operations on urbanized terrain. During Military Operations on Urbanized Terrain, "Marines may be called upon to defend a[n] embassy"⁵⁷ or consulate. In defense of an embassy or consulate, "Marines need to be capable of conducting both offensive and defensive operations in an urban environment."⁵⁸ Defense of buildings such as an embassy or consulate building is referred to as strongpoint defense.⁵⁹

According to chapter 4 of MCWP 3-35.3, Marines "may be given the mission to conduct the strongpoint defense of a building, part of a building or a group of small buildings."⁶⁰ Marine Security Guards employed on roof top over watch positions as snipers or observers are guided in their actions by additional information in Chapter 4 that states that Marines in over watch positions have the ability to disrupt an enemy attack. Fire from a Marine Security Guard on a rooftop over watch position can influence the action by creating adverse psychological effects on the enemy, negate feelings of security, and inflict casualties on enemy leadership.⁶¹ These may be critical enemy vulnerabilities. Attacking critical vulnerabilities may cause confusion and friction and degrade the enemy's ability to continue the attack. Marines employed in such a

manner also increase the Regional Security Officer's flexibility by gathering and transmitting information on enemy strengths and weaknesses.⁶²

Conclusion

Contrary to a strong and persistent rumor, Marine Security Guards can be legally assigned to rooftop over watch positions during exigent circumstances. This is supported by inter-agency agreements, the Marine Security Guard chain of command, guard orders, the Foreign Affairs Handbook and Marine Corps war fighting doctrine.

The United States is encountering irregular warfare threats to American diplomatic facilities overseas from insurgents employing asymmetrical warfare tactics. Weapons used against American diplomatic facilities in the last 10 years include, but are not limited to, automatic assault rifles, rocket propelled grenades, improvised explosive devices, and car bombs. Tactically, the objective is to destroy United States Government property, compromise the integrity of the diplomatic facility, harm American personnel, and obtain access to sensitive national security information. Strategically, the goal is to degrade American resolve and influence. Neither of which is acceptable. Sensitive national security information may at times be stored in American diplomatic facilities overseas. The unauthorized disclosure of certain sensitive information may have the potential to cause exceptionally grave damage to the national security. American embassies and consulates must be vigorously defended with all available assets to ensure the integrity of American diplomatic facilities and to safeguard national security.

Highly trained Marine Security Guards are assigned to select American embassies and consulates to protect personnel, property and information. Marine Security Guards assigned to rooftop over watch positions during exigent circumstances have the potential to thwart a well-

planned attack on a diplomatic facility. This capability is necessary to defend diplomatic facilities now more than ever.

The chief of mission and the Regional Security Officer of a diplomatic facility have the authority to legally assign Marine Security Guards to rooftop over watch defensive positions. Inter-agency agreements, the Memorandum of Understanding and the Memorandum of Agreement, indicate Marine Security Guards are under chief of mission authority⁶³ and must be prepared to execute plans for the protection of the mission and its personnel as directed by the chief of mission or Regional Security Officer⁶⁴ in accordance with the provisions of the Memorandum of Agreement and the Foreign Affairs Handbook.⁶⁵

American embassy and consulate emergency plans designate internal defense teams to be employed during exigent circumstances. The Foreign Affairs Handbook states Marine Security Guards are members of the interior defense team.⁶⁶ The interior defense team may be assigned to rooftop over watch positions to warn of impending breaches to outer perimeters and to apply the appropriate level of force to prevent attackers from entering the building.⁶⁷

Marine Security Guards are trained in accordance with Marine Corps war fighting doctrine. Marine Corps war fighting doctrine states Marines may be tasked with protecting an American embassy or consulate and given the mission to conduct the strongpoint defense of a building or a group of buildings. While conducting strongpoint defense, Marines may be assigned to rooftop over watch positions.⁶⁸

Armed with the knowledge that sufficient authority and doctrine exists, it may be necessary, or simply good policy, to ensure Marine Security Guards are posted to over watch positions such as roof tops during exigent circumstances in order to ensure the integrity of the diplomatic facility is maintained and national security is not compromised.

Notes

1. The rumor is that Marine Security Guards are prohibited from being assigned to rooftop defensive over watch positions, even under exigent circumstances. I have been aware of this rumored prohibition since 1987. Over the years, I have challenged officers to provide me with a published authoritative policy statement that explicitly prohibits assigning Marine Security Guards to rooftop defensive positions. To date, no such policy statement supporting the rumored prohibition has been disclosed. Despite the lack of documented support for the rumored prohibition, the institutional belief that such a policy exists is of sufficient strength to have believers at the highest levels of the Marine Security Guard Program. Consequently, I have encountered significant resistance assigning Marine Security Guards to rooftop defensive positions.

2. U.S. Department of State and U.S. Marine Corps, *Memorandum of Agreement between the U.S. Department of State and the United States Marine Corps* (Washington, DC: 2001).

3. U.S. Government Accountability Office, *Cost Analyses & Performance Measures Needed to Demonstrate Full Potential of Providing Embassy Support Remotely*, 2006, <http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=gao&docid=f:d06479.pdf>.

4. U.S. Department of State, *The Vienna Convention on Diplomatic and Consular Relations*, 2008, <http://www.state.gov/documents/organization/17843.pdf>.

5. G. R. Berridge, *Diplomacy: Theory and Practice, Second Edition* (New York: Palgrave Macmillan, 2002). 112-113.

6. Berridge, 112-116.

7. Memorandum of Agreement.

8. U.S. Department of State, *Protecting People, Property, and Information*, 2008, <http://www.state.gov/m/ds/protection/>.

9. U.S. Department of State, *Protecting People, Property, and Information*, 2008, <http://www.state.gov/m/ds/protection/>.

10. U.S. Department of State, <http://www.state.gov/m/ds/protection/>.

11. Memorandum of Agreement.

12. Memorandum of Agreement.

13. U.S. Department of Defense, *Department of Defense Directive 2000.12*, December 13, 2007. www.dtic.mil/whs/directives/corres/pdf/200012p.pdf.

14. U.S. Department of Defense and U.S. Department of State, *Memorandum of Understanding between the U.S. Department of Defense and the U.S. Department of State on Overseas Security Support* (Washington, DC: U.S. Department of Defense and U.S. Department of State, 1997).

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23. U.S. Department of State, *2 FAH-2 Post Management Organization Handbook*, January 2, 2006, <http://www.state.gov/m/a/dir/regs/fah/c23401.htm>.

24. Legal Information Institute at Cornell Law School, *Title 22 U.S. Code 3927, Chief of Mission*, January 2, 2006, http://www.law.cornell.edu/uscode/html/uscode22/usc_sec_22_00003927----000-.html.

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54. U.S. Department of Defense, *MCWP 3-35.3 Military Operations on Urbanized Terrain* (Washington, DC: U.S. Marine Corps, 1998).

55. Griffith, 117.

56. Paret, 352-354.

57. MCWP 3-35.3, 3-1.

58. MCWP 3-35.3, 3-1.

59. MCWP 3-35.3, 3-36.

60. MCWP 3-35.3, 3-36.

61. MCWP 3-35.3, 4-10 - 4-12.

62. MCWP 3-35.3, 4-10.

63. Memorandum of Understanding.

64. Memorandum of Agreement.

65. Memorandum of Agreement.

66. 12 FAH-1.

67. 12 FAH-1.

68. MCWP 3-35.3, 3-36.

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